

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE JOHNSON & JOHNSON “BABY
POWDER” and “SHOWER TO SHOWER”
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION**

MDL NO. 2738 (FLW)(LHG)

This document relates to:

ELEANOR BARSH, et al.,)	
Plaintiffs,)	Civil Case No.: 4:18-CV-01464
v. JOHNSON & JOHNSON, et al.)	
Defendants.)	

PLAINTIFFS’ RENEWED MOTION FOR REMAND

COME NOW Plaintiffs, pursuant to 28 U.S.C. § 1447(c), and hereby move this Honorable Court to remand this case back to the Circuit Court for the Twenty-Second Judicial Circuit, City of St. Louis, Missouri, from where it was improperly removed by Defendants Johnson & Johnson, Johnson & Johnson Consumer Incorporated f/k/a Johnson & Johnson Consumer Companies, Inc. (collectively the “Defendant J&J”). This Court lacks jurisdiction of this matter due to the lack of diversity among the parties as well as the failure to obtain unanimity of consent from all defendants prior to removal. As set forth in the accompanying Memorandum of Law, Plaintiffs pled a proper cause of action against non-diverse Defendant Schnuck Markets, Inc., and Defendant PTI Union, LLC, Missouri citizens responsible for many of the negligent acts alleged in the Petition. Defendant J&J has failed to meet its heavy burden to prove that joinder was fraudulent, as well as meet the basic requirements of 28 U.S.C. §§ 1446. Since diversity is lacking and this case does not present a federal question, this Court lacks jurisdiction.

WHEREFORE, Plaintiffs respectfully move this Honorable Court to remand this case to the Circuit Court for the Twenty-Second Judicial Circuit, City of St. Louis, Missouri, that, pursuant to 28 U.S.C. § 1447(c), Defendant J&J pay the “costs, actual expenses and attorney fees” incurred by Plaintiffs in responding to its Notice of Removal, and for any other relief this Honorable Court deems just and proper under the circumstances.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 7, 2019, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Grant L. Davis
Attorney for Plaintiffs